



# **CITY OF NEWPORT BEACH**

## **COMMUNITY DEVELOPMENT DEPARTMENT**

### **MEMORANDUM**

**DATE:** March 21, 2011

**TO:** Planning Division

**FROM:** Jaime Murillo, Associate Planner

**SUBJECT:** Broadmoor Pacific View PC Text- Setback Determination **(PA2011-013)**

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On March 17, 2011, the Planning Commission made a determination regarding the application of setbacks within the Broadmoor Pacific View Planned Community Text (PC-18). The intent of this memorandum is to supplement the PC-18 text by: 1) clarifying which setback map should be referenced when determining the minimum street and view setbacks for lots within the community; and 2) establishing a minimum 5-foot side setback requirement for non-zero lot line configurations.

#### **SETBACK MAP DETERMINATION**

##### ***Issue***

Instead of establishing traditional front and rear yard setbacks, the Broadmoor Pacific View Planned Community text (PC text) establishes specific "street setbacks" and "view setbacks" for each of the lots in the community and refers to a setback map/plan that establishes specific street and view setbacks for each of the lots.

##### ***Determination***

The community was developed as three separate tracts: Final Tract Map No. 9047, Final Tract Map No. 9260, and Final Tract Map No. 9261. Depending on which final tract the lot is located within determines which setback map shall be referenced for determining street and view setbacks:

<b>Final Tract</b>	<b>Correct Setback Map</b>
Tract 9047	Tentative Tract 9047 Setback Map
Tract 9260 (includes house and garage setbacks)	Final Setback Map for Tract 9260
Tract 9261	Tentative Tract 9047 Setback Map

## **SIDE SETBACK DETERMINATION**

### ***Issue***

Section IV.E (Side Yard) of the PC text regulates side setbacks as follows:

*A zero side yard setback between the structure and the lot line shall be permitted on one side provided there are no openings on the zero side yard wall and that a total of ten (10) feet shall be provided between structures.*

The above standard is intended to regulate a zero-lot line development configuration; however, the community was not developed with zero-lot lines. In most cases, the developer designed the homes in a manner that provides a minimum 4-foot setback on one side of the property and a minimum 6-foot setback on the other side. In this configuration, two houses side-by-side would comply with the minimum required separation of 10 feet between houses (see exhibit below). In order to implement the zero-side setback concept, the use of easements within the CC&Rs and not separately recorded on lots was established giving use of the 4-foot side area to the adjacent property for landscaping purposes. For the purpose of this discussion, this configuration is referred to as the “assumed zero-lot line configuration”. In some cases, lots located near the end of cul-de-sacs were not provided with landscaping easements because larger side setbacks were provided due to non-rectangular shape of the lots.

The PC text is silent on what the minimum side setback should be in instances where a zero-lot line is not proposed. The PC text is unclear as to whether or not the minimum 10-foot separation requirement only applies in a zero-side circumstance, or if the 10-foot separation is a stand alone requirement. This question becomes even more important when abutting lots have an assumed zero-lot line configuration on opposite sides of a common lot line.

### ***Determination***

The PC text is silent on the application of side setbacks in non-zero lot line configurations, and therefore by default, the minimum side setbacks of the Zoning Code would apply. The most appropriate zoning designation in the Zoning Code applicable to the Broadmoor Pacific View community would be the Single-Unit Residential (R-1) District, in which case a minimum side setback of 4 feet would be required. However, in order to achieve a fair and equitable setback while achieving the 10-foot minimum separation requirement, a minimum side setback of 5 feet shall be provided.

Exception: For those properties that maintain an “assumed zero-lot line configuration” and that currently provide a 4-foot minimum side setback, additions to the building shall be allowed to be constructed to the side setback in effect at the time the building was constructed. Also, for properties that currently provide a setback greater than 5 feet, additions shall also maintain the 10-foot separation requirement between houses.

# Side Setback Exhibit

